UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,709	12/04/2003	Kazuhiro Matsubayashi	00862.023341.	7048

5514   7590   04/21/2008
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER
NGUYEN, LE V

ART UNIT	PAPER NUMBER
2174	

MAIL DATE	DELIVERY MODE
04/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/726,709</td><td>Applicant(s)
MATSUBAYASHI ET AL.</td></tr>
<tr><td>Examiner
LE NGUYEN</td><td>Art Unit
2174</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 January 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,5,6,8-11 and 15_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,5,6,8-11 and 15_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _1/8/08 and 10/9/07_.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to an amendment filed 1/8/08.

2.   Claims 1, 5, 6, 8-11 and 15 are pending in this application; and, claims 1, 5, 11

and 15 are independent claims. Claims 1, 5, 6, 11 and 15 have been amended; and

claims 2-4, 7, 12-14 and 16-43 have been cancelled. This action is made Final.

3.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claim Rejections - 35 USC § 102

4.   Claims 1, 5, 6, 8, 9, 11 and 15 are rejected under 35 U.S.C. 102(e) as being

anticipated by Hososda et al. ("Hososda").

        As per claim 11, Hososda teaches an information processing method of

displaying, on a display device, digital broadcasting data described in a markup

language and including first hierarchical level elements delimited by predetermined tags

and second hierarchical level elements which belong to a range or group of elements

delimited by the predetermined tags (fig. 6; paragraph [0101]; scene information list in

XML with first hierarchical level elements A1 and second hierarchical level elements A2)

comprising a receiving step of receiving key-input first or second signals from a remote

controller (figs. 1, 3 and 6; paragraph [0095]; signals 22d and 22c), a switching step of

switching a selection of an element between the first hierarchical level elements or

between the second hierarchical level elements when the first signal is received in the

receiving step, and switching a selection between the first and second hierarchical level elements when the second signal is received in the receiving step and a selected element display step of displaying the selected element on the display device (figs. 3 and 6; paragraphs [0094]-[0095]; a selected element display step displays the selected element in display area A3).

Claim 1 is similar in scope to claim 11 and is therefore rejected under similar rationale.

As per claim 5 and 15, Hososda teaches an information processing method and apparatus for receiving digital broadcasting data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range or group of elements delimited by the predetermined tags, and displaying the received data on a display device comprising an identification step of identifying an information amount contained in each of the elements (fig. 6; paragraph [0101]; scene information list in XML with first hierarchical level elements A1 and second hierarchical level elements A2), a receiving step of receiving key-input first or second signals from a remote controller (figs. 3 and 6; paragraph [0095]; signals 22d and 22c), a switching step of switching selection between the first hierarchical level elements or between the second hierarchical level elements on the basis of the identified information amount when the signal is received in the receiving step, and switching a selection of an element between the first and second hierarchical level elements when the second signal is received and a selected element display step of displaying the selected element on the display device (figs. 3 and 6;

paragraphs [0094]-[0095]; a selected element display step displays the selected element in display area A3).

As per claim 6, Hososda teaches an information processing method and an information processing method of receiving data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags, and displaying the received data on a display device wherein the plurality of elements delimited by predetermined tags include first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags and the switching unit switches a selection between the first hierarchical level elements or between the second hierarchical level elements which belong to a range delimited by the predetermined tags when the first signal is received, and switching a selection of an element between the first and second hierarchical level elements when the second receiving unit receives a second signal (fig. 6; paragraph [0101]).

As per claim 8, Hososda teaches an information processing method and an information processing method of receiving data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags, and displaying the received data on a display device wherein the information amount contained in each element is an area where the element is displayed (fig. 6; inherent given that elements displayed require display area).

As per claim 9, Hososda teaches an information processing method and an information processing method of receiving data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags, and displaying the received data on a display device wherein the information amount contained in each element is the number of characters contained in the element (fig. 6; e.g. titles displayed).

Claim Rejections - 35 USC § 103

5.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hososda et al. ("Hososda").

As per claim 10, although Hososda teaches a control program for allowing a computer to implement an information processing method and an information processing method of receiving data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags, and displaying the received data on a display device comprising the amount of storage required for each element (fig. 6; elements displayed require storage), Hososda does not explicitly disclose the information amount contained in each element is the number of bytes of data contained in the element. Official Notice is taken that an element having a number of bytes of data contained in the element is well known in the art. It would have been obvious to an artisan at the time of the invention to incorporate an element

having a number of bytes of data contained in the element to the method of Hososda in

order to encompass older systems given that bytes fit into the natural width of the CPU

register of these older systems.

Response to Arguments

6.   Applicant's arguments filed 1/8/08 have been fully considered but they are not

persuasive.

Applicant argued:

The applied art is not seen to disclose or to suggest at least the features of

receiving, fro a remote controller, key-input first or second signals, and switching a

selection of an element between first hierarchical level elements delimited by

predetermined tags or between second hierarchical level elements which belong to a

range delimited by the predetermined tags when the first signal is received, and

switching a selection of an element between the first and second hierarchical level

elements when the second signal is received. Moreover, there is no hierarchical

relationship between the stored list area A1 and the checkbox area A2 as shown in fig.

8.

The Office disagrees for the following reasons:

Hososda teaches receiving, from a remote controller, key-input first or second

signals (remote controller depicted in figs. 1 and 3), and switching a selection of an

element between first hierarchical level elements delimited by predetermined tags or

between second hierarchical level elements which belong to a range delimited by the

predetermined tags when the first signal is received, and switching a selection of an

element between the first and second hierarchical level elements when the second

signal is received (figs. 1, 3 and 6; paragraph [0095]-[0095] and [101]; a broadcasting

station, as depicted in fig. 1, sends signals to television(s) and PC(s) wherein the

signals comprise a mark-up language (e.g. XML) used to display scenes selected by the

user via a remote control, the selection is organized and grouped such that each item is

linked to another item). Furthermore, Hososda (US application 10/480222) is a proper

371 filed under 365(c) and is entitled the effective filing date of the international PCT

application PCT/JP02/05962.

The Office notes that applicant did not contest the factual assertion set forth

under Official Notice in paragraph two of section eight of the Office Action of 10/9/07.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached at (571) 272-3923.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
April 13, 2008

/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination
	10/726,709	MATSUBAYASHI ET AL.
	Examiner	**Art Unit**	
	LE NGUYEN	2174	